HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 4242 of 2007

PETITIONER Bhenesh Kumar Srivastava, S/o Late Shri C.L. Srivastava, aged about 38 yrs. (Patwari) P.H. No. 59, Pandripani, Teh. Jagdalpur, Distt. Bastar (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through : The Secretary, Revenue Department, Mantralaya, Raipur (C.G.)
2. The Deputy Secretary, Revenue Department, Mantralaya, Raipur (C.G.)
3. The Collector, Jagdalpur, Distt. Bastar (C.G.)
4. Shri Udaybhan Singh Chouhan, Patwari, P.H. No. 15 Kodenar, Teh. Jagdalpur, Distt. Bastar (C.G.)
5. Shri Vikram Usendi, Vice Chariman, Bastar & South Area, Tribal Welfare Authority, C-3 Civil Line, Raipur (C.G.)

Appearance:

Shri Prafull Bharat, counsel for the petitioner.

Shri Yashwant Singh, Govt. Advocate for the State on advance copy.

ORAL ORDER
(23.07.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, who is a Patwari and was posted in P.H. No. 59 Kangoli, Jagdalpur, District Bastar, has been transferred to District Narayanpur by the impugned order dated 07.07.07 (Annexure-P/3). Annexure-P/3 is a general transfer order, in which, the name of the petitioner falls at serial No.31. The transfer of the petitioner has been shown to be on administrative grounds.

Learned counsel for the petitioner argues that the seniority of the Patwari is maintained District wise, therefore, the transfer of the petitioner from one District to another District cannot be done. He secondly argues that the transfer has been made to accommodate respondent No.4, therefore, it is mala fide action of the Government.

On the other hand, learned counsel for the State submits that Narayanpur is newly constituted District, which is constituted in the year 2007, therefore, some Patwaries are brought from other District and the seniority of those incumbent shall be maintained in accordance with Rule.

I have gone through the contents of the petition and have also considered the arguments advanced by the learned counsel for the petitioner.

It is settled position of law that the transfer is an exigency of service and it is for the employer to see as to which person shall be posted at which place. The employer is the best judge for transfer and posting of his employee to a particular place and such an exigency of service .cannot be challenged in a court of law, unless it is shown to be malafide or based on extraneous consideration or in violation of any service Rule governing the employee. No such points are coming out in this petition. Moreover, it is stated that the petitioner was posted at present place of posting since 14.6.2000 and he has been transferred after about more that 7 years.

Considering the facts and circumstances of the case, particularly the above circumstance, I do not find any reason to interfere with the said order passed by the concerned authority.

The petition has no merits and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

vatti